

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

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**Nadine Gazzola**, individually, and as co-owner,  
President, and as BATFE Federal Firearms Licensee  
Responsible Person for **Zero Tolerance**  
**Manufacturing, Inc.**; *et al.*

**Civ. No.: 1:22-cv-1134 (BKS/DJS)**

*Plaintiffs*

v.

**KATHLEEN HOCHUL**, in her Official Capacity as  
Governor of the State of New York; *et al.*

*Defendants*

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**DECLARATION OF PLAINTIFF**

**NADINE GAZZOLA – ZERO TOLERANCE MANUFACTURING, INC.**

1. I am Nadine Gazzola and I make this Declaration under penalties of perjury. These statements are true to the best of my knowledge, and are based upon my personal knowledge and experience unless otherwise specified.
  2. I oppose all laws complained of in this case. I submit this “Declaration” to highlight certain of my background, credentials, employment, licenses, and relevant experience. I reserve the right to submit such further declarations, testimony, and exhibits as may be necessary to support our claims.
  3. Footnotes within this document that provide citation of law are inserted by Counsel.
- I attest that I am generally, as a layman, familiar with the laws stated, discussed, and

argued herein. Legal citations in footnotes are provided by Counsel to the Plaintiffs as a courtesy to the Court due to the complexity of this case.

4. I am not a “disqualified person,” as this term is defined under 18 U.S.C. §922(g).
5. **Business & Personal Background.** Together with my husband, Seth Gazzola, we are co-owners of the business “Zero Tolerance Manufacturing, Inc.” I am the President of this corporation. It is located in Ghent, Columbia County, New York. Our business was incorporated in 2013 in New York.
6. Our residence is in Hudson, also in Columbia County.
7. We named our business “Zero Tolerance” because of the tight tolerances that are held when making parts for firearms. Also, we don’t have any tolerance for injustice.
8. Zero Tolerance is the only brick-and-mortar FFL in Columbia County.
9. Zero Tolerance retail offerings include a wide variety of firearms, from handguns to shotguns to rifles. We also offer complimentary products, such as ammunition, gun cleaning products, holsters, scopes, targets, and gun cases. Our business is housed in a 5,000 sq. ft. commercial retail space.
10. We have been a vendor in the gun show at the Albany gun show.
11. **Federal and State Licenses.** I am a “Responsible Person”<sup>1</sup> for the Federal Firearms License of our business, as originally issued and subsequently renewed by the Bureau of Alcohol, Tobacco, Firearms & Explosives.

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<sup>1</sup> “Responsible Person” is defined by BATFE on Form 7, “Definitions,” as “In addition to a Sole Proprietor, a Responsible Person is, in the case of a Corporation, Partnership, or Association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the

12. On a federal level, we have the FFL-01 license as a dealer in firearms (first received in 2015), an FFL-07 license as a manufacturer of firearms (first received in 2019), and an SOT-Class 2 for the manufacture of National Firearms Act firearms and accessories (also, first received in 2019). All licenses are regularly renewed and are current.
13. Together with Seth, who is the Vice President, we set the policies and procedures for our business, including compliance with federal and state firearms laws.
14. Both myself, and Seth, individually and together, interface with our local BATFE Field Agents, as well as the national office and the FBI for purposes such as inventory control and firearms trace requests.
15. I am also the Licensee for the New York State license “Dealer in Firearms” for our business, as issued and renewed through the Columbia County Clerk’s Office. Seth holds an additional NYS license “Gunsmith.”
16. We also have a NYS-issued Sales Tax Permit.
17. I have an unrestricted concealed carry permit, issued by Columbia County. The list of handguns is current.<sup>2</sup>
18. I personally own firearms of the types handgun, rifle, and shotgun.
19. **Community Involvement**. In addition, Zero Tolerance supports three local rod and gun clubs in their gun raffles to raise money for the club and club activities, including youth sporting events, women’s events, community dinners, and more.

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management, policies, and practices of the Corporation, Partnership, or Association, insofar as they pertain to firearms.”

<sup>2</sup> Attorney of Record note: I am not providing the detail level in these public documents as is available from the Co-Plaintiffs in the interest of their personal safety.

- a. We serve the Ghent Sportsman's Association, which raffles approximately 30 guns/year; the Hudson Fish N Game Club, which holds a 52-gun raffle; and, the Stottville Rod and Gun Club, which raffles approximately 12 firearms/year.
  - b. We locate nearly one hundred firearms suitable for the raffles, bring them into our shop and onto our A&D Book inventory, securely store the firearms, then serve as the point of pick-up for the winners of the raffles/drawings, perform the NICS background check for each, and report the completed transactions to the clubs.
  - c. We volunteer our time to the clubs and we often donate a firearm(s).
  - d. Winners often become on-going customers and/or purchase additional items, such as cases and ammunition, when they come in to pick up their firearm.
20. Our store inventory includes trigger locks, locking long gun hard-side cases, handgun cases for mounting inside vehicles, and small gun safes. Even without federal or state regulation, firearms safety is part of the conversation we have with every customer.
21. **County/State Interaction.** Seth and I, individually and together, interface with our County Clerk's Office, our County Sheriff's Office, and our Columbia County Legislators for a range of activities from assisting customers with adding a handgun to their concealed carry permit to discussion of the new laws and their implementation and enforcement.
22. Seth and I think of ourselves as being politically aware and in tune to announcements of new legislation. However, I still can't understand how these Bills were written up and passed in 24-hours, one after the other, but I couldn't even get through to our Assemblywoman, Didi Barrett (NYS AD-106) to comment on any of what I could find.

23. On a County level, I became aware of “Resolution No. 396-2022” passed by the Columbia County Legislature on September 15, 2022 in opposition to the so-called “Concealed Carry Improvements Act” (NY S.51001). I spoke in support of this at this meeting during the public comment period. That Resolution is one of the Exhibits to this Motion.
24. There are additional Columbia County public interactions on-going, including an October 26 community information with Q&A session involving the County Clerk, the Sheriff, and one of the County Assistant District Attorneys. I attend and actively participate in any available public opportunity concerning the new laws.
25. **Customer Interaction.** The immediate drop in sales we’ve experienced as word spread of these new laws is a direct result of the strangulation of the Second Amendment by the Defendants. Our customers are asking questions that include the words “*what?*” and “*why?*” but there isn’t a good answer to those questions.
26. I don’t know whether to describe it as an actual “loss” of Second Amendment rights or a “chilling” that is causing people to behave like deer in the headlights. What I feel and I observe is a reaction that is worse than government-directed business closures during COVID. Alarm bells are going off for all of us that this can’t be right.
27. **Firearms Training Credential & Courses Offered (Suspended).** Prior to September 1, 2022, Columbia County required a 4-hours firearms safety training course as part of the concealed carry permit application process. I twice completed that course.
28. I am an NRA-Certified Instructor since December 2017. To achieve this credential, I took an NRA training course, requiring 16-hours of classroom and hands-on work, focused primarily on firearms. Achieving this teaching certification allows me to teach firearms

safety courses, using nationally-promulgated training materials offered by the NRA. These materials are updated periodically by the NRA.

29. I also took a 2-day course at SIG Academy, where I learned even more about handguns and shooting. This course was more hands-on and useful as a day-to-day matter for our business and my conversations with and demonstrations to customers.
30. I have also taught holistic self-defense classes for women that include handguns, instruction with a martial arts teacher, situational awareness, and emergency response.
31. I took up firearms at the point we decided to start our business in 2013. I have used a number of different firearms over these nearly ten years. As part of my job responsibilities, I assist customers with the selection of a full range of firearms, particularly handguns.
32. The handgun is my firearm of choice. Not just any “handgun.” The word “handgun” may have a definition, but the range of manufacturers and models is important to selecting the appropriate tool a person is capable of and skilled at using in the event of confrontation.
  - a. We have six display cases just of handguns. We begin with a standard five handguns, one-at-a-time to establish the baseline fit to the hand, body, and mindset of the customer. We get into customization from there.
  - b. I tell people, “You are going to use muscles even just to pick up the handgun. Then, you’re going to use muscles you haven’t used or developed.” And with a handgun, especially under stress conditions, it’s all about muscle memory.

**Impending December 5, 2022 Impact:**  
**Federal Pre-Emption and Fifth Amendment Necessitated TRO**

33. We founded Zero Tolerance in 2013, as a result of “The SAFE Act” being enacted. We were not hunters or shooting sports enthusiasts or even home defense advocates. Seth and I simply believed that former Governor Cuomo had gone too far and that his response of “if you don’t like it – move out.” We watched as other people and firearms-related businesses did exactly that. But, we are born and raised here. Our family is here. We’re raising – and want to raise – our children here.
34. If we thought aspects of “The SAFE Act” was unconstitutional or, at least, ill-advised, imagine our shock when the new laws of Summer 2022 crashed directly into our business and our livelihood and our rights without so much as three days’ notice. And kept on coming. Through multiple Bills over a course of weeks. The new laws were Pearl Harbor for the small gun shop owner in New York.
35. Seth, myself, our customers, extended family, people we know in our community of Ghent – we’re politically aware. We watch the news and belong to various Second Amendment groups like the NRA, NYSRPA, GOA-NY, and SCOPE. We try to scoop up as much accurate legislative and legal information as possible.
36. When I listened to Governor Hochul or NYS Police Superintendent Bruen or (now) Acting Superintendent Nigrelli threaten that there will be “zero tolerance,”<sup>3</sup> you might imagine that it caught my ear. I take it personally and seriously that we must comply with laws on the books and fight in court to overturn the ones with which we disagree.

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<sup>3</sup> YouTube Channel of Governor Kathy Hochul, “Governor Hochul Delivers a Press Conference on Gun Violence Prevention” (August 31, 2022), at <https://www.youtube.com/watch?v=gC1L2rztQs>.

37. As a mother of young children, I have that added fear, as well, that criminal charges and/or a conviction could ruin my ability to be a parent. I have no interest in facing criminal charges or going to jail. But, for the first time in my life, I feel that threat is right in front of me and coming closer with each day we head towards December 5, 2022.
38. So what am I to do? Do I give the NYS Police copies of Zero Tolerance federal firearms compliance records and take my chances with the feds until it's time for our FFL license renewal applications in February 2023? Or do I not send in those records to the NYS Police and roll the dice that the next person who walks through the door won't be a Trooper from the Zone K substation with the handcuffs removed from his belt?
39. What I am feeling now – what I am facing now – is not a concern I have had since we started our relationship with the ATF and the FBI when starting our business. We did not have experience in the firearms industry prior to starting our business. The ATF has made us feel a welcomed and valued part of the lawful stream of firearms commerce in America.
- a. We have free access to and a wealth of information from the ATF and the FBI that relate directly to our licenses, our manufacturing operations, the uncommon permissions we have under our SOT-Class 2 License, how to properly and timely do our A&D Book entries, strategies for efficient and accurate inventory control, pointers and videos on premises security, campaigns against straw purchases and how to recognize that potential, a 100% reliable “800” number with skilled employees to respond to questions during a NICS background check, materials to give to customers, including the NICS administrative appeals processing the event a customer is denied or delayed. I could go on. I'm the paperwork half of our



operations. Every single customer with a concealed carry permit at some point must interact with me.

- b. I'm the one who guides a Field Agent through any questions about our business operations, paperwork, or inventory. I can't say enough about the support and partnership we experience in working with the ATF. The NICS background check is electronic, quick, and efficient. We are comfortable using it and training our employee to use it.

40. By contrast, the only reason we even found out about the two NYS Police "memos" was because the Columbia County Clerk posted it on Facebook. The Defendant NYS Police/DCJS did not send us notification of anything – zero. No copy of new laws. No memos. No FAQs. No guidance documents. No training materials for employees. No ammunition data capture forms. Nothing.

- a. The Defendant NYS Police website contains one bit, shorter than a computer screen, containing three hyperlinks, to the two NYSP/DCJS "memos" and one "FAQs." These are Exhibits to this Motion.
- b. The Defendant DCJS website does not contain this information.
- c. The Defendant AG James website does not contain this information.
- d. The NYS DEC start their "FAQ" hand-out with "The new law does NOT affect how lawful hunting may occur in New York."<sup>4</sup> That is legally incorrect. The purchase of

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<sup>4</sup> NYS Department of Environmental Conservation, "Frequently Asked Questions Regarding Recent Changes to New York State Firearm Laws" (September 1, 2022) at [https://www.dec.ny.gov/docs/wildlife\\_pdf/gunfaq2022.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/gunfaq2022.pdf). See, also, Official Department of Environmental Conservation website, "Frequently Asked Questions and Answers on Hunting and Hunting-Related Activities in response to Recent Changes to New York State Firearms Laws" (dated

a semi-automatic rifle, often used by hunters, now requires a license to be issued by the counties. We cannot sell ammunition without personal data collection – and those forms are not available from the NYS Police. New concealed carry plus renewal concealed carry permits require training the curriculum and testing for which has not yet been published by the NYS Police/DCJS. Any statement by the Defendants or any other office or agency under the direction of the Defendant Gov. Hochul that says otherwise is misleading the public about what they have done.

41. We are the ones, who for the past sixty days, along with County personnel and Sheriff's Department personnel, trying to answer questions from our customers, using whatever impressions of the law from the Bills that we can decipher.
42. The Defendants also awarded themselves access to our business "no less than" once every three years.<sup>5</sup> This is a wide-open power to come in as often as the Defendants wish without a specified purpose.
  - a. The federal ATF audit power is specifically defined as a maximum of once every 12-months and it is for inventory reconciliation purposes.
  - b. We have been through several ATF on-site audits and have passed each one.
  - c. The attitude of the ATF coming into our business is positive, is educational, is designed for us all to achieve our shared goal of stopping a potential sale that is illegal and tracing any firearms that are lost or stolen or used in crime.

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September 1, 2022) at [https://www.dec.ny.gov/docs/wildlife\\_pdf/gunlawqanda2022.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/gunlawqanda2022.pdf). Both are Exhibits to this Motion.

<sup>5</sup> NY Gen Bus §875-g(2).

43. To add insult to injury, the new laws include that the Defendant NYS Police is authorized to issue whatever else, whenever else, they subjectively decided is “necessary.”<sup>6</sup> This sweeping delegation of power akin to the “Extraordinary Session” power. No notice. No opportunity to be heard. No process other than living every day with anxiety of having to head into court with another lawsuit.

**Immediate Business Impact:**

**(1.) Loss of Revenue from Freeze on Firearms Safety Training Courses.**

44. Prior to September 1, 2022, Zero Tolerance offered a monthly firearms training class for concealed carry applicants, using the NRA-sanctioned curriculum and printed materials. Seth and I both teach classes. Class sized averaged between 25-40 adults. In August 2022, for example, we conducted two classes of 33 students, each. The cost was \$75/person and we then gave each student a 5% discount coupon for the purchase of their first handgun. We want to resume offering this course.
45. From 2014 to 2020, we also offered and I taught another monthly firearms safety course, this one for women only. It started as a “Well Armed Woman” program and evolved into the “Women’s Shooting Program.” We offered this at our local Hudson Fish N Game Club, where we are members. The class could not be offered during COVID restrictions. We want to resume offering this well-received course for female students.
46. Our “NRA Basic Pistol Course” met the requirements for Columbia, Greene, and Rensselaer Counties. It covered handgun safety, mechanics, storage, and proper shooting techniques.

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<sup>6</sup> NY Gen Bus §875-h.

47. As of September 1, 2022, we stopped offering any firearms course at all, because of the lack of NYS Police and DCJS curriculum. The laws state it is to be a statewide, standardized training curriculum and a statewide, uniform test. It is not known from the laws whether that test will be graded by the Defendants. It is also stated that the instructor is required to issue a “certificate,” which I read will also be standardized, as it is to be included with all required license applications at the county level across New York.
48. We are literally unable to offer any firearms training courses in accordance with the new laws because the Defendants have failed to issue legally-required curriculum, testing, and certification forms. *These laws already went into effect September 1, 2022.*
49. Even without the teaching materials, as a practical matter, we are struggling to conceive of a structure of hours and days to offer a course that fits our schedules as business owners and parents, as well as the realistic ability of citizens to attend and complete the course. The modern American economy is two working parents, and one might be working two jobs. Daycare is not available nights and weekends. Customers include divorced, single parents with custody/visitation schedules. Customers do also include women/mothers with Orders of Protection.
50. The new mandate also includes two hours of live-fire training. We will not be able to offer that component on site because we do not have a range as part of our business or our commercial premises. We are trying to sort how we could partner with a range, which would likely require range insurance and instructor insurance. Questions include whether an instructor will train with one model of handgun or require pre-selection of individual handguns, the latter then getting into questions of instructor familiarity with a sufficient variety of individual handguns by manufacturer and model.

51. From September 1, 2022 through October 25, 2022, to the best of my knowledge and information from communication directly with County employees, Columbia County was not issuing new concealed carry permits or the semi-automatic rifle license.
52. As of October 24, 2022, the Columbia County, New York Sheriff's Department website continued to say only that "All applicants must have completed the NRA Basic Pistol Safety Course given by a certified instructor on the list of instructors included in your application packet."<sup>7</sup> This is attached as an Exhibit to this Motion.
53. As of October 26, 2022, the position of Columbia County may have changed, basis their presentation at a public information session they conducted.
54. We want to offer courses to help customers achieve their Second Amendment rights to self-defense. We also want to offer the course so that we, ourselves, can achieve periodic recertification.
55. We would continue to offer the NRA pistol training course and the "Women's Shooting Program," but for the new laws.
56. We are personally suffering the loss of business income. As owners, we get paid last, behind utilities, property taxes, third-party vendors, inventory management, employee wages, insurances, and more. Just one of our streams of business revenue is now lost: the loss of firearms training programs of several thousand dollars per year and the associated loss of ancillary and on-going purchases from students throughout the year.

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<sup>7</sup> Columbia County Sheriff's Office, "Pistol License Application Information," viewed October 24, 2022 at <https://www.columbiacountysheriff.us/pistol-license.html>.

**Immediate Business Impact:**

**(2.) Loss of Revenue from Plumet in Firearms and Ammunition Sales.**

57. Our store has turned into a ghost town. Very few, even of our regular customers, have come into the store since September 4, 2022. September sales in the categories of handguns and semi-automatic rifles were down Ninety Percent (90%) and October continued to be depressed. Overall store sales for the balance of the inventory are also down since September 1. As a direct result of the fall-off of sales, our September sales tax collection and reporting is down by \$2,000.
- a. At least 50% of our firearms sales are handguns. Most of the remaining 50% are tactical rifles, including ARs and AKs.
  - b. From September 1, 2022 through on or about October 30, 2022, we did not sell any semi-automatic rifles to a customer who would have required an SAR license.
  - c. We can't afford to keep the doors open with just sales of traditional hunting rifles during the fall hunting season.
58. Last week (week of October 31, 2022), we released one semi-automatic rifle from inventory which was collected by a raffle winner who appeared to have properly claimed an exemption from the new laws because he is a NYS Police Officer.
59. Between the lack of new mandatory training to progress concealed carry permits and the lack of semi-automatic license offering, most of our firearms are trapped in inventory and unable to be sold.
60. We are essentially reduced to sales to customers who have current concealed carry permits, collectors of antique firearms, hunters who use traditional (wooden stock) hunting rifles or

shotguns, and out-of-state customers (those sales are federally-mandated to be in conformance to the other state's laws). This customer segment is less than 15% of our historic, 8-year historic sales figures.

61. Ammunition sales have been irregular, at best. There was a drop-off. Then for approximately two weeks there were no sales. We decided to try to implement the new, mandatory ammunition sales data collection through our point-of-sale system, and added a field for customer "occupation" (required). Customers are taking offense to our collection of their personal information for the purchase of a box of ammunition. It may be fair to characterize the responses as "passive resistance," when I tell you that the "occupation" question is generating responses that may or may not be an "occupation."

**Constitutional-Regulatory Overburden as of December 5, 2022:**

**(1.) The "Safety Plan" Mandates Cannot Be Carried Out**

62. **Safes.** Speaking about the group of laws we are fighting to stop ahead of December 5, 2022 effective date, the new laws diminish safety, are missing all other required actions by the Defendant agencies, are too vague to implement in the absence of agency action, and are too expensive to implement. The pile of new mandates will financially swamp not only us and our co-plaintiffs, it will swamp the industry of dealers in New York.
- a. Our 5,000 sq. ft. premises is our vault. All security measures begin with the perimeter walls and work inward. We invested significant money into our long gun display walls and our handgun display cases specifically because they are designed to and are configured to minimize theft. When we turn the key to enter the shop and flip on the overhead lights, we know, immediately, by a scan of our firearms display walls

and cases, that all firearms are in place. The inventory area is also configured for that same immediate impression. It is the discipline of routine and consistency of routine that is the superior approach to FFL premises security.

- b. To handle every one of several hundred firearms at the open and close of every one of five business days per week would be physically impossible.
  - i. In theory, we have sufficient square footage available, but, using a standard 1,000-pound, 25 long gun safe, basis our present inventory, we would need fifteen safes. That's 15,000 pounds and about 100' x 40' of area just for the long guns, including stripping new long guns out of their manufacturer packaging (which is an integral part of and opportunity for inventory control). The safes would cause catastrophic structural damage to the building.
  - ii. Every long gun in the retail space would have to be removed one-by-one from any security restraints and hand carried no more than one in each hand to minimize damage and maximize safety. The distance between the end points of the retail space and the nearest available area for storage would be approximately 50-yards. Estimating ten minutes per two firearms to accomplish this task, just for our current long gun inventory, you're talk about spending near 2,000 minutes, or, approximately 33 hours to accomplish this task. At the end of the first day of this new routine, the store would never reopen. It would require fifteen (15) employees to accomplish the breakdown and storage of long guns within a two-hour window – twice per day.



- iii. At \$20/hour, not including employer taxes and insurances, it would cost \$1,200/day just to take down, store, and remount the long guns. That's over \$300,000/year.
- iv. And that's without inventory control in the process to ensure none of those fifteen employees steals or otherwise confuses a firearm and wreaks havoc on inventory control systems.
- v. A separate analysis would have to be conducted for our handgun inventory.

63. **Cameras/Video Storage.** We do have modern security camera equipment that was installed by a third-party company, which we manage, on a computer, using a server. Our system supports fifteen cameras and stores footage for sixty days. Our storage capacity is 1-terabyte.

- a. Switching to a scenario of the new mandates, we would be required to install fifteen cameras, each requiring an external drive unit with USB cable to install into a network, feeding into a server. Using an average price of \$1,350 per external drive unit, that's \$20,250 for the drives. That, at least, is a checkmark, as we just spent \$21,476.18 for materials and labor to hire a company to install fifteen cameras, but I am stunned at what the added storage mandates would cost us.
- b. Just running costs for the drive storage (not housing or software), a 1-terabyte drive holds about 500 hours of HD video. It would require 18 x 1-terabyte drives for one year, or, 36 terabyte drives for the two-year storage period.
- c. 15 cameras x 36 drives each = 540 drives, minimum, for the two-year storage mandate.

d. Assuming an average retail price of \$475 per single terabyte drive, we're looking at over \$250,000 just for the storage, plus another \$20,250 for the housing of the drives.

And I forgot to price the cameras.

e. We absolutely cannot afford this mandate.

64. **Vendors.** We also do not want any outside person to have remote access to our video feed. The fact that the new laws would allow someone "licensed" to have a criminal record means, by definition, the Defendant's licensing requirements are insufficient for our industry.<sup>8</sup> That the "licensed security" company can have employees as young as 18, but we cannot, creates yet another contradiction in the laws.<sup>9</sup> An outsider having access to our video would allow planning for robbery.<sup>10</sup> There is a reason to keep a low profile, whether when carrying concealed, or when running a gun store: do not attract unwanted attention. Anything that would allow a stranger to easily learn our security system and measures, learn how to access locked firearms, and the like will only contribute to theft. (It is for this reason I am hesitant to provide more detailed security and security systems statements in this public document.)

65. The Defendants have not performed any of their own mandates under the NY Gen Bus §875 mandates as we zoom towards the December 5, 2022 effective date, *and we're now inside 30-days until that effective date.*

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<sup>8</sup> NY Gen Bus §69-o(2).

<sup>9</sup> NY Gen Bus §69-o versus NY Gen Bus §875-e(3).

<sup>10</sup> *See, e.g.*, U.S. Department of Justice Press Release, "Former contract security guard at ATF facility sentenced to 14 years for stealing and selling firearms" (August 26, 2019) at <https://www.justice.gov/usao-ndwv/pr/former-contract-security-guard-atf-facility-sentenced-14-years-stealing-and-selling>.

**Constitutional-Regulatory Overburden:**

**(2.) Children Under 18 are Common in Family-Owned Businesses**

66. Children under the age of 18 are welcomed in our store. Our children are in the store and we're not going to exclude them, nor are we going to push out our nieces, nephews, and employee children or relations. I was brought up by self-employed parents at an auto mechanics shop where there are many, many dangerous scenarios. It's part of the parenting and learning process.
67. The firearms are secure. The handguns are locked in display cases. The ammunition is stored separately. There is an uncrowded floor space for adults and children to move and mill about and look at other inventory, such as t-shirts and ear plugs. There's an area dedicated for small children, including coloring books and crayons. It's a comfortable atmosphere for families because we're a family-run business with children of our own. In this day and age with so many family configurations, there would be no way to politely and professionally start singling out adults to quiz them about the minor nearby.
68. We'd have to have a lawyer and a security guard at the door and we're not going to do that. There are probably more watchful adult eyes in a gun shop than there are on the average playground in the suburbs.
69. We are not going to allow ourselves to be put in a position to prohibit children from being in our family-owned and run store. We cannot be put in a position of having to demand proof of legal relationships between people. The Defendants did not even define what would constitute acceptable verification documents or the definitions of the legal terms "parent" or "guardian." Our family, our community – these are driving inspirations for why we are in Court.

**Constitutional-Regulatory Overburden:**

**(3.) Employees Under 21 in a Family-Owned Business Cannot be Banned**

70. As to no employees under the age of 21, we are not going to exclude our children, including, in particular, our 12-year-old daughter, from the benefits of growing up as a shop kid. On Saturdays, she comes in and makes cotton candy in the old roller rink machine. She interacts with customers. She is learning math and being exposed to every aspect of starting and developing and owning a family business. She participates in age and experience appropriate conversations that expands as she grows, such as merchandising selections, what to do with inventory that's not moving, responding to customer questions on finding items and rearranging inventory. We may well start to pay her within a year or two, to encourage and reward her work at the family business in lieu of jobs like babysitting.
71. The new law, on its face, would mean that we can't even have family, let alone a high school or college student or a recent high school graduate or even a disabled young Veteran as an employee. In any other context, wouldn't that be targeting and discrimination by an employer?

**Constitutional-Regulatory Overburden:**

**(4.) Employee Training**

72. The Defendants have failed to meet their responsibilities under the new laws to publish training materials for our employee.
73. If the handgun training is any indication, it's going to be time-consuming and expensive.

74. The new laws indicate the mandatory employee training will include “federal firearms law.”<sup>11</sup> But, as this lawsuit demonstrates, multiple of the Defendants’ new laws are illegal under federal law and/or are unconstitutional. How can the Defendants put themselves in charge of teaching FFLs across the State to comply with laws when they, themselves, demonstrate no competence in the subject?
75. Even as concerns the module that is required to be part of this training “state laws,” as the “memo” and the “FAQ” and the Governor’s own comments indicate, the Defendants do not speak accurately about their own, new laws.

### **Conclusion**

76. We’re stuck having to make our best guess to be “defensible.” While the Defendants have failed to fulfill their responsibilities under the new laws, we’re the ones subject to threat of criminal charges, prosecution, conviction, fines, loss of federal and state licenses, loss of income, loss of business value, and loss of all Second Amendment rights for being turned into a “disqualified person.” We’re also exposed to the potential of interference in our parental rights with our young children. Neither the State Defendants, nor the County-level Officials are as exposed as we are because of the Defendants’ new laws and their animus against anyone wanting to exercise their fundamental rights under the Second Amendment.

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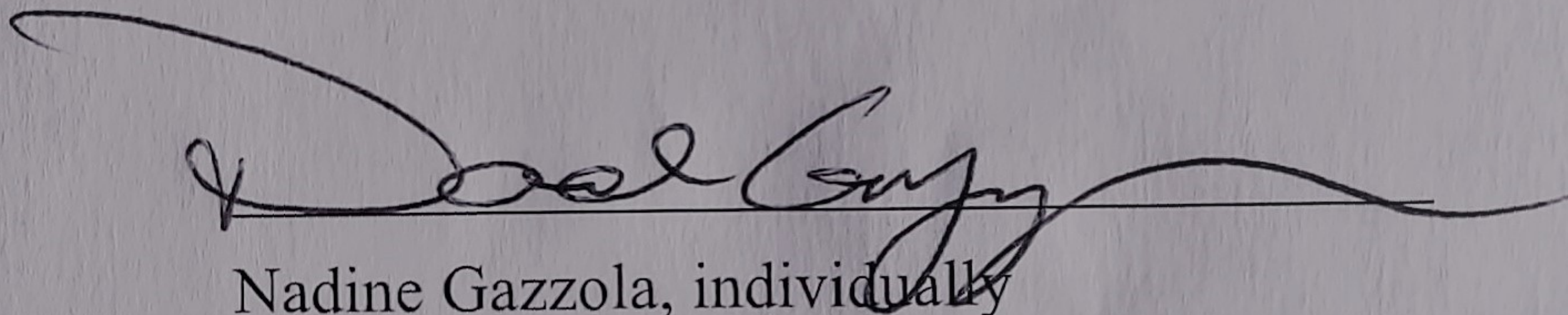
<sup>11</sup> NY Gen Bus §875-e.



77. I am a strong woman and I have the voice to speak my mind and my convictions. I believe that we are pursuing the appropriate route to invest our time and our energy and our money into this lawsuit. I believe that the sacrifices we are making – as a family – to participate in this case is the right thing to do, not only for us but for our children’s futures. But, when I have that rare moment to myself, I have to wonder: *How do we get our time, energy, sanity, and money back in the end?*

78. I respectfully request this Court to halt the laws complained of and to grant such other immediate relief as is requested in this Motion. That is, at least, where to start.

Dated: November 7, 2022

A handwritten signature in black ink, appearing to read "Nadine Gazzola", with a long, sweeping horizontal line extending to the right.

Nadine Gazzola, individually  
and as President of “Zero Tolerance Manufacturing, Inc.,”  
an FFL-01 Dealer in Firearms,  
an FFL-07 Manufacturer of Firearms,  
and an FFL/SOT-2 Class 3 Manufacturer